

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

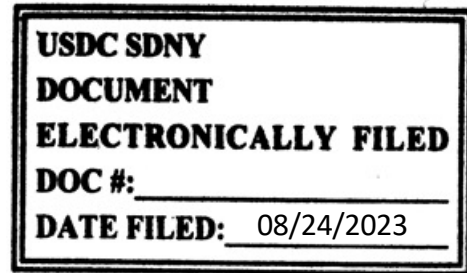
Robert J. Friedman,

Plaintiff,

-against-

MT Sinai Hospital et al.,

Defendants.



1:23-cv-01142 (JHR) (SDA)

ORDER

**STEWART D. AARON, United States Magistrate Judge:**

On February 8, 2023, Plaintiff filed a Complaint in this action naming as defendants Mt. Sinai Hospital, Dr. Shelley Epstein and Dr. Joy Riskin. (Compl., ECF No. 2.) On July 5, 2023, Plaintiff's letter was filed seeking to add Carl Liggio as an additional defendant. (Pl.'s 7/5/23 Ltr., ECF No. 19.) Following a telephone conference held on July 28, 2023 (*see* 7/28/23 Order, ECF No. 25), Plaintiff filed an Amended Complaint on August 8, 2023 naming as defendants Mt. Sinai Hospital, Dr. Shelley Epstein, Dr. Joy Riskin and Carl Liggio. (Am. Compl., ECF No. 26.)

On August 23, 2023, another letter from Plaintiff was filed, this time requesting to amend his Complaint to add Marcy Kopakin as an additional defendant. (Pl.'s 8/23/23 Ltr., ECF No. 34.) However, Plaintiff did not include a proposed amended pleading and did not indicate in his letter the reasons why he believes he can assert claims against Ms. Kopakin.

One basis on which the Court can deny permission to amend a complaint is the futility of the proposed amended complaint; if the proposed amended pleading is futile or does not state a claim, permission to amend will be denied. Neither defendants nor the Court can assess whether a proposed amended pleading is futile unless the proposed amended pleading itself is included with the motion to amend. For that reason (and others), most judges in this District

require that a motion to amend be accompanied by a copy of the proposed amended pleading. *See Barnes v. New York State Div. of Hum. Rts.*, No. 14-CV-02388 (LTS) (HBP), 2015 WL 13659441, at \*1 (S.D.N.Y. Jan. 12, 2015). Accordingly, it is hereby ORDERED that:

1. If Plaintiff wishes to assert claims against Ms. Kopakin, then no later than Thursday, September 14, 2023, Plaintiff shall file a proposed Second Amended Complaint naming Ms. Kopakin as an additional defendant and stating the factual and legal basis for Plaintiff's claims against her. The Second Amended Complaint will replace, not supplement, his current pleading.
2. Within fourteen days after the filing of a proposed Second Amended Complaint by Plaintiff, Defendants may file any response to Plaintiff's request to amend.

The parties are advised that this case has been referred to Magistrate Judge Stewart D. Aaron for all general pretrial matters, and the parties shall address to Judge Aaron all future filings related to general pretrial matters.

**SO ORDERED.**

Dated: New York, New York  
August 24, 2023



---

STEWART D. AARON  
United States Magistrate Judge